

REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the specification, the certified English translation of the priority document JP 2003-077663, the Declaration of Ms. Rieko Takahashi and the following remarks.

B. The Invention

The present invention is directed to a printing method and a lithographic printing plate exhibiting superior exposure visibility and enhanced sensitivity without producing stains.

In one of the novel aspects of the invention, the printing plate material is composed of a flexible support having a hydrophilic layer and an image forming layer, wherein the flexible support with the hydrophilic layer exhibits a specified transmission density and the unexposed areas of the image forming layer exhibit a specified glossiness.

C. Claim Status and Amendments

Claims 1-20 are presented for further prosecution. No claim amendments have been made at this time.

D. Specification Amendments

Page 7 of the application has been amended to correct a minor typographical error.

E. The Office Action

Claims 1-20 had been rejected as being anticipated by Inoue (EP 1145848). Claims 1-20 had also been rejected as being anticipated by Mori (US 2004/0154490). In addition, claims 1, 7 and 9 had been rejected for obviousness-type double patenting as being unpatentable over claims 1, 6 and 8-12 of US Application No. 10/943,935.

1. The priority date of the invention is prior to the US filing date of Mori

The March 20, 2003 priority date of the present invention is prior to the December 30, 2003 US filing date of Mori.

Applicants have enclosed a certified English translation of the priority document to perfect the claim of priority and to remove Mori as prior art. Support for claims 1-20 of the

present invention can be found in the following portions of the priority document:

<u>present invention</u>	<u>priority document</u>
claim 1	claim 1
claim 2	claim 2
claim 3	pars. 95-97
claim 4	claim 3
claim 5	par. 94
claim 6	claim 4
claim 7	claim 7
claim 8	par. 118
claim 9	pars. 35-37
claim 10	pars. 91-93
claim 11	claim 6
claim 12	claim 2
claim 13	pars. 95-97
claim 14	claim 3
claim 15	par. 94
claim 16	claim 4
claim 17	claim 5
claim 18	par. 118
claim 19	pars. 35-37
claim 20	pars. 91-93

Applicants respectfully submit that claims 1-20 of the present invention are supported in the priority document. It is therefore believed that the present invention is entitled to the priority date and that Mori is no longer prior art.

2. The effect of the type of support, the type of hydrophilic layer and the type of image forming layer on the claimed transmission density and the claimed glossiness

The Examiner had taken the position that the material of Inoue inherently satisfies the claimed transmission density and

the claimed glossiness. The Examiner had reasoned this to be true since Inoue teaches a printing plate having a composition similar to that of the printing plate of the invention. Applicants respectfully disagree with the Examiner's reasoning.

The transmission density of the present invention is controlled by the type of support and the type of hydrophilic layer. Similarly, the glossiness of the present invention is controlled by the type of image forming layer. Thus, it is the specific combination of the types of support, hydrophilic layer and image forming layer that lead to the claimed transmission density and the claimed glossiness. Furthermore, superior image are produced only when both the claimed transmission density and the claimed glossiness are satisfied.

3. Ms. Takahashi has demonstrated the significance of the type of support and the type of image forming layer with regard to the claimed transmission density and the claimed glossiness

Applicants have enclosed a Declaration of Ms. Rieko Takahashi to demonstrate the effects of the types of support and the type of image forming layer on the transmission density and the glossiness. Although the Declaration is currently unexecuted, Applicants request consideration of the Declaration since the information contained therein originated with Ms.

Takahashi and is therefore entirely reliable. An executed copy will be forwarded to the Examiner as soon as it becomes available.

Ms. Takahashi prepared and evaluated samples 001-011 appearing in Table 6A of the Declaration in accordance with the preparation and evaluation method of the Examples beginning at page 40 of the application. Sample 012 was prepared and evaluated similarly to sample 009, except that the content of the light-to-heat conversion material used in the under-layer was changed from 25% to 30%. The composition of samples 001-012 and the evaluation results for samples 001-012 are illustrated in Tables 6A and 7A of the Declaration.

First, as explained in par. 7 of the Declaration, Table 6A demonstrates that different types of substrates lead to different transmission densities. For example, sample 002 having substrate 1 (transparent PET film, page 40, lines 8-10) exhibited a transmission density of 0.33, while sample 003 having substrate 2 (blue-tinted transparent PET film, page 42, lines 7-10) exhibited a transmission density of 0.55. Thus, by comparing sample 002 with sample 003, it can be seen that different types of substrates lead to different transmission densities.

Second, as explained in par. 7 of the Declaration, Table 6A demonstrates that different types of image forming layers

produce a different glossiness. For instance, sample 010 having image forming layer 6 (Table 4, page 47) exhibited a glossiness of 6.1, while sample 011 having image forming layer 7 (Table 5, page 48) exhibited a glossiness of 11.2. Thus, a comparison between sample 010 and sample 011 shows that different types of image forming layers lead to a different glossiness.

Third, as explained in par. 6 of the Declaration, Tables 6A and 7A demonstrate that the materials of Inventive samples 003 and 005-010 simultaneously satisfying the claimed transmission density range and the claimed glossiness range exhibited superior visibility compared to the materials of Comparative samples 001, 002, 004, 011 and 012.

Ms. Takahashi has therefore demonstrated that the type of substrate and the type of image forming layer must be controlled to achieve the claimed transmission density and the claimed glossiness, and that both the claimed transmission density and the claimed glossiness must be simultaneously satisfied to achieve a superior visual image.

4. Inoue teaches away from a material that inherently satisfies the claimed transmission density and the claimed glossiness

As explained above and demonstrated by Ms. Takahashi, the type of substrate and the type of image forming layer must be

controlled to achieve the claimed transmission density and the claimed glossiness. Also, both the claimed transmission density and the claimed glossiness must be simultaneously satisfied to achieve a superior visual image.

The Examiner had recognized that Inoue does not suggest the significance of simultaneously satisfying the claimed transmission density and the claimed glossiness as demonstrated by Ms. Takahashi. However, the Examiner had taken the position that the material of Inoue inherently meets these limitations. Applicants respectfully disagree.

Inoue teaches paper, plastic and metal supports (par. 108). Inoue explains that the preferred support is aluminum, and Inoue employs the preferred aluminum support in the Examples (pars. 109, 183 and 191).

Those skilled in the art know that aluminum does not transmit light. Thus, an aluminum support has a transmission density approaching infinity (determined in reverse proportion to the light transmittance). Thus, a printing plate having the preferred aluminum support of Inoue cannot achieve the claimed transmission density. Inoue therefore teaches away from the present invention.

In addition, Inoue does not suggest the effect that the type of support has on the transmission density as demonstrated by Ms. Takahashi. Thus, even if a PET support were selected,

Inoue does not explain what specific type of PET support to select. In other words, should a transparent PET support or a blue-tinted transparent support be chosen? Inoue provides no guidance on how to select the specific type of support. Moreover, Ms. Takahashi has demonstrated the criticality of the specific type of support with regard to the transmission density.

Applicants respectfully submit that the present invention is patentable over the teachings of Inoue. First, Inoue does not suggest the significance of simultaneously satisfying the claimed transmission density and the claimed glossiness as demonstrated by Ms. Takahashi. Second, Inoue teaches away from a material that inherently satisfies the claimed transmission density, since Inoue explains that aluminum supports should be used. Third, even if a PET support were chosen, Inoue provides no guidance on how to select the specific type of support with regard to the transmission density.

5. The double patenting rejection

Applicants will consider filing a terminal disclaimer to overcome the double patenting rejection upon the indication of allowable subject matter.

F. Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Certified English translation of the priority document JP
2003-077663
Unexecuted Declaration of Ms. Rieko Takahashi
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